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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,913	12/14/1999	LIAM DAVID COMERFORD	YO998-522	3104

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EXAMINER
AZAD, ABUL K

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/460,913	Applicant(s) COMERFORD ET AL.	
	Examiner ABUL K. AZAD	Art Unit 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-8,13-17 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on September 5, 2002.

2. Claims 1-19 are pending in this action.

3. The Affidavit filed on September 5, 2002 under 37 CFR 1.131 is sufficient to overcome the Junqua et al. (US 6,233,561) and Franz et al. (US 6,356,865) reference.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) The invention was described in –
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 6, 7, 13, 14 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Mozer et al. (US 2002/0091513 A1, effective filling date December 6, 1996).

As per claim 6 and 19, Mozer teaches, "a method of automatically providing a spoken language interface for a user with respect to at least one external network with which the user interacts, wherein the user process a portable spoken language interface device having a data structure for storing one or more user interface data sets used to provide one or more spoken language interfaces," the method comprising the steps of:

"the device requesting a spoken language interface data set from the external network upon discovery of the external network" (Page 3, Paragraph 0032, reads on "at step 202, pattern recognition programming system 112 accesses external medium to verify it in fact contains recognition set data and weight set data of kind employed by pattern recognition system . . . at step 204, pattern recognition programming system 212 retrieves an initial set of words and associated weight set into weight memory 110");

"the external network transferring the spoken language interface data set to the device; and loading the spoken language interface data set into the data structure of the device for use by the user interfacing with the external network" (Page 3, paragraph 0032 and 0033, reads on "at step 202, pattern recognition programming system 112 accesses external medium to verify it in fact contains recognition set data and weight set data of kind employed by pattern recognition system . . . at step 204, pattern recognition programming system 212 retrieves an initial set of words and associated weight set into weight memory 110 . . . the new recognition set and weight sets are transferred from external medium to the weight memory through external interface")

As per claim 7, Mozer teaches, "wherein the device is in wireless communications with the external network" (Fig. 1, wireless connection between element 118 (external Interface) and 104 (external medium)).

As per claim 13, Mozer teaches, "the device prompting the user for information comprising a spoken utterance, the device manager being responsive to spoken utterance for operatively modifying at least one of the predetermined parameter of the

device and an application running on the device" (Page 3, paragraph 0029, reads on "the information presented to the user may include prompts for input to microphone or application specific information" and Paragraph 0033 reads on "pattern recognition programming system receives the recognition results and selects a new set of words and associated weight set based on this results").

As per claim 14, Mozer teaches, "storing one or more user experience parameters corresponding to a familiarity of the user with a predetermined procedure of the application" (Page 3, paragraph 0029, reads on "the information presented to the user may include prompts for input to microphone or application specific information" here prompts are based on the application specific information, which is a familiarity of the user with a predetermined procedure of the application);

"selecting a prompts from a set of prompts for presentation to the user, set of prompt including varying amounts of instruction based at least in part on experience parameters, the selected prompt substantially matching the sorted experienced parameters of the user" (Page 3, paragraph 0029, reads on "the information presented to the user may include prompts for input to microphone or application specific information" here prompts are based on the application specific information).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 8 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mozer et al. (US 2002/0091513 A1) as applied to claim 6 above, and further in view of Well-known prior art (MPEP 2144.03).

As per claims 8 and 16, Mozer teaches, all the limitations as stated above in claim 6, however, Mozer fails to teach, "a personal data assistant operatively coupled to spoken language interface device, PDA including at least one application associate therewith". However, Mozer teaches, at Page 2, paragraph 0023, "apparatus may provide speech recognition capabilities to for example various electronic appliances such as a compact disk changer, telephone, computer, television watch, etc. components of apparatus may perform other functions besides speech recognition in the context of such appliances. Official Notice is taken on the well-known personal data assistant (PDA). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a PDA instead a computer or a watch or a telephone, because at the time of the invention PDA has equal or more computational power than a personal computer.

As per claim 17, Mozer teaches, "wherein the portable spoken language interface device is a wireless communication with the external network" (Fig. 1, wireless connection between element 118 (external Interface) and 104 (external medium)).

As per claim 15, Mozer teach all limitation as state above in claim 13, however, Mozer fails to teach, storing an initial data set including at lest one of a date, time and a number of times which a predetermined procedure of an application is performed". Official Notice is taken on a well-known process to store a record of date, time and

number of times, which a predetermined procedure of an application is performed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to take a record of date, time and number of times the application being performed so that it will be easy for accounting purpose to calculate how many times and date and time each application and network being used.

8. Claims 1-5, 9-12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mozer et al. (US 2002/0091513) as applied to claims 9 and 16 above, and further in view of Abella et al. (US 6,044,347).

As per claim 1, Mozer teaches, a method for modifying a data structure containing at lest one user interface data set, wherein Mozer teaches all the limitations as stated above in claim 6.

Acs per claim 18, Mozer and well-known prior art teaches all the limitation stated above in claim 16.

However as per claims 1 and 18, Mozer and well-known prior art fails to teach,

"in apparatus for providing a portable spoken language interface for a user to a device in communication with the apparatus, the device having at least one application associated therewith, the spoken language interface apparatus comprising:"

"an audio input system for receiving speech data provided by the user";

"an audio output system for outputting speech data to the user";

"a speech recognition engine for generating an output in response to spoken utterances";

"a speech synthesizing engine for generating a synthesized speech output in response to text data";

"a dialog manager operatively coupled to the device, the audio input system, the audio output system, the speech recognition engine and the speech synthesizing engine"; and

"at least one user interface data set operatively coupled to the dialog manager, the user interface data set representing spoken language interface elements and data recognizable by the application of the device"; wherein:

(i)"the dialog manager enables connection between the input audio system and the speech recognition engine such that the spoken utterance provided by the user is provided from the input audio system to the speech recognition engine"; "(ii) the output generated by the speech recognition engine is returned to the dialog manager"; "(iii) the dialog manager uses the output generated by the speech recognition engine to search the user interface data set for a corresponding spoken language interface element and data which is returned to the dialog manager when found"; "(iv) the dialog manager provides the spoken language interface element associated data to the application of the device for processing in accordance therewith"; "(v) the application of the device, on processing that element, provides a reference to an interface element to be spoken"; "(vi) the dialog manager enables connection between the audio output system and the speech synthesizing engine such that the speech synthesizing engine which, accepting data from that element, generates a synthesized output that expresses that element";

and "(vii) the audio output system audibly presenting the synthesized output to the user".

However, Abella teaches, above limitations:

"in apparatus for providing a portable spoken language interface for a user to a device in communication with the apparatus, the device having at least one application associated therewith, the spoken language interface apparatus comprising:"

"an audio input system for receiving speech data provided by the user" (col. 4, lines 43-44, reads "the system receives a speech signal in the form of utterances from a user via a microphone");

"an audio output system for outputting speech data to the user" (col. 4, lines 51-53, reads "generates an output speech signal by supplying appropriate drive signals to a speech synthesizer);

"a speech recognition engine for generating an output in response to spoken utterances" (col. 4, lines 45-57, a speech recognition units);

"a speech synthesizing engine for generating a synthesized speech output in response to text data" (col. 4, lines 45-57, speech synthesizer and col. 5, lines 1-15, here text can be inputted and text can be outputted and inherently by the synthesizer speech can be outputted);

"a dialog manager operatively coupled to the device, the audio input system, the audio output system, the speech recognition engine and the speech synthesizing engine" (col. 7, line 51, dialog manager); and

"at least one user interface data set operatively coupled to the dialog manager, the user interface data set representing spoken language interface elements and data recognizable by the application of the device" (col. 44-56, application is the interface data set and reads on "dialog manager is configured to recognize the user request") ; wherein:

(i)"the dialog manager enables connection between the input audio system and the speech recognition engine such that the spoken utterance provided by the user is provided from the input audio system to the speech recognition engine" (Fig. 2, elements 30 and 34); "(ii) the output generated by the speech recognition engine is returned to the dialog manager" (Fig. 2, element 40); "(iii) the dialog manager uses the output generated by the speech recognition engine to search the user interface data set for a corresponding spoken language interface element and data which is returned to the dialog manager when found" (Fig. 2, element 42); "(iv) the dialog manager provides the spoken language interface element associated data to the application of the device for processing in accordance therewith" (Fig. 2, element 42); "(v) the application of the device, on processing that element, provides a reference to an interface element to be spoken" (Fig. 2, element 42); "(vi) the dialog manager enables connection between the audio output system and the speech synthesizing engine such that the speech synthesizing engine which, accepting data from that element, generates a synthesized output that expresses that element" (Fig. 2, element 32 and Fig. 1, element 20); and "(vii) the audio output system audibly presenting the synthesized output to the user" (Fig. 2, element 32 and Fig. 1, element 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a device including a duologue manager as taught by Abella, in the invention of Mozer because Abella teaches his invention provides an object-oriented dialogue manager which allows a computer system or other dialogue processing system to conduct an efficient dialog with a human user (col. 2, lines 32-35).

As per claim 2, Mozer teaches, "the step of audibly notifying the user that the new application is useable via the audio output system" (Page 3, paragraph 0029, prompts for inputing).

As per claim 3, Mozer teachers, "further comprising the step of removing a user interface data set from the data structure" (Page 3, paragraphs 0032 and 0033, here pattern recognition programming system every time retrieve a new data set it reprogram the memory with new data set and the old data set is removed)

As per claim 4, Mozer teaches, "wherein the user interface data set is removed prior to the loading step in accordance with a least recently used algorithm." (Page 3, paragraphs 0032 and 0033, here pattern recognition programming system every time retrieve a new data set it reprogram the memory with new data set and the old data set is removed, inherently prior to the loading the new data set).

As per claim 5, Mozer teaches, 'wherein the user interface data set is removed in accordance with a request by an application" (Page 3, paragraphs 0032 and 0033,, because it loaded based on the recognition results, so it is accordance with a request by an application).

As per claim 9, Mozer teaches, "wherein the new application comprises a speech aware application, the speech aware application being responsive to user utterances for at least partially interacting with the new application" (Page 3, paragraphs 0032, 0033 and 0034, it can load a new language which is responsive to the old languaguage).

As per claim 10, Mozer does not teach, "the device prompting the user for information comprising a spoken utterance, the device manager being responsive to spoken utterance for operatively modifying at least one of the predetermined parameter of the device and an application running on the device". However, Abella teaches, "the device prompting the user for information comprising a spoken utterance, the device manager being responsive to spoken utterance for operatively modifying at least one of the predetermined parameter of the device and an application running on the device" (col. 7, lines 36-67, reads on "in response to particular task, the dialogue manager is configured to recognized the user request, . . . supplying user input to the application"). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Abella's teaching because Abella teaches his invention provides an object-oriented dialogue manager which allows a computer system or other dialogue processing system to conduct an efficient dialog with a human user (col. 2, lines 32-35).

As per claim 11, Mozer teaches, "storing one or more user experience parameters corresponding to a familiarity of the user with a predetermined procedure of the application; selecting a prompts from a set of prompts for presentation to the user, set of prompt including varying amounts of instruction based at least in part on experience parameters, the selected prompt substantially matching the sorted

experienced parameters of the user" (Page 3, paragraph 0029, reads on "the information presented to the user may include prompts for input to microphone or application specific information" and Paragraph 0033 reads on "pattern recognition programming system receives the recognition results and selects a new set of words and associated weight set based on this results").

As per claim 12, Mozer teaches, "storing an internal data set including at lest one of date, and time and a number of times which a predetermined procedure of an application is performed" (Page 3, paragraph 0029, reads on "the information presented to the user may include prompts for input to microphone or application specific information" here prompts are based on the application specific information, which is a familiarity of the user with a predetermined procedure of the application); and

"selecting a prompt from a set of prompts for presentation to the user, the set of prompt includes varying amounts instruction based at lest in part on information included in the internal data set, selected prompt substantially matches the stored initial data set" (Page 3, paragraph 0029, reads on "the information presented to the user may include prompts for input to microphone or application specific information" here prompts are based on the application specific information).

Response to Arguments

9. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. . There were four non-final rejections already given to the instant application. Therefore, the examiner initiated a call to the Attorney for the application Mr. Wayne L. Ellenbogen (Reg. No. 43,602) on September 2002 to suggest that amend the broad claims, because claims are reject able by Mozer (US 2002/0091513 A1), and the Mozer reference was faxed to Mr. Ellenbogen on the same date. Mr. Ellenbogen replied to the examiner that he would call examiner after reviewing the reference. But the examiner did not receive any call. However, the examiner called the applicant again on November 19, and November 26, 2002, Mr. Ellenbogen indicated there will be no amendments.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Marsha D. Banks-Harold**, can be reached at **(703) 305-4379.**

Any response to this action should be mailed to:

Commissioner for Patents

Washington, D.C. 20231

Or faxed to:

(703) 872-9314

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's Customer Service Office whose telephone number is **(703) 306-0377.**

Abul K. Azad

December 2, 2002